REMARKS / ARGUMENTS

This application is believed to be in condition for allowance because the claims, as amended, are believed to be non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. In view of the following reasoning for allowance, the Applicant hereby respectfully requests further examination and reconsideration of the subject patent application.

1.0   Objections to the Specification:

In the Office Action of May 8, 2007, several informalities were noted in the specification. Applicants have amended the specification to address these formalities by including the information and wording suggested by the Examiner.

In particular, paragraphs [0020], [0052], [0057], [0118], [0120], [0129], [0118], and [0137] of United States Patent Application Publication No. 20050055204 have been amended to include the language suggested by the Examiner. In addition, paragraphs [0145] and [0148] have been amended to include references to Steps 700, 710 and 760 of FIG. 7, as required by the Office Action.

No new matter is introduced by way of the above described amendments. Consequently, Applicants respectfully request withdrawal of the objections to the specification.

2.0   Rejections under 35 U.S.C. §102(b):

In the Office Action of May 8, 2007 claims 1-6, 26, 27 29 and 32 were rejected under 35 U.S.C. §102(b), as being anticipated by Leitch, et al. ("*Leitch*," U.S. Patent 5,689,440).

A rejection under 35 U.S.C. §102(e) requires that the Applicant's invention was described in patent granted on an application for patent by another filed in the United States before the invention thereof by the Applicant. To establish that a patent describes the Applicant's invention, *all of the claimed elements of an Applicant's invention must be considered, especially where they are missing from the prior art*. If a claimed element is not taught in the referenced patent, then a rejection under 35 U.S.C. §102(b) is not proper, as the Applicant's invention can be shown to be patentably distinct from the cited reference.

2.1   Rejection of Independent Claim 1:

In general, independent claim 1 includes limitations that are generally similar to those of independent claim 8. In fact, the rejection of claim 8 is similar to that of claim 1 with respect to citation of the **Leitch** reference.

However, the Office Action also indicated the allowability of the subject matter of dependent claim 17 which depends from independent claim 8. Therefore, since Applicant believes that independent claims 1 and 8 are generally similar in scope, Applicants feel that the addition of the allowable limitations of dependent claim 17 to the limitations of independent claim 1 are sufficient to overcome the rejection of independent claim 1 over the the **Leitch** reference.

In particular, the **Leitch** reference does not disclose the limitation of "determining whether an average compression ratio of temporally modified segments corresponds to an overall target compression ratio, and wherein a next target compression ratio for at least one next current frame is automatically adjusted as needed for ensuring that the overall target compression ratio is approximately maintained."

Therefore, since this limitation has been added to independent claim 1 by way of the present amendment, Applicants respectfully suggest that claim 1, as amended is now allowable over the **Leitch** reference.   Consequently, the present invention, as claimed by

independent claim 1 has elements that are neither anticipated nor in any way disclosed by the cited *Leitch* reference. Consequently, the rejection of claim 1, as amended, under 35 U.S.C. §102(b) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of claim 1, and thus of dependent claims 2-7 under 35 U.S.C. §102(b) in view of the language of claim 1. In particular, claim 1 recites the following novel language:

"A system for temporal modification of segments of an audio signal, comprising:

extracting data frames from an audio signal;

examining content of each data frame and classifying a type of each data frame according to pre-established criteria;

temporally modifying at least part of at least one of the data frames using a temporal modification process that is specific to the classification type of each data frame; and

determining whether an average compression ratio of temporally modified data frames corresponds to an overall target compression ratio, and wherein a next target compression ratio for at least one next current frame is automatically adjusted as needed for ensuring that the overall target compression ratio is approximately maintained."

(emphasis added)

2.2   Rejection of Independent Claim 26:

In general, the Office Action rejected independent claim 26 under 35 U.S.C. §102(b), as being anticipated by the *Leitch* reference. However, the Office Action also indicated the allowability of the subject matter of dependent claim 30 which depends from independent claim 26 via dependent claims 27 and 29.

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In response, Applicants have amended independent claim 26 to include the limitations of dependent claims 27, 29 and 30. As such, independent claim 26 now includes the allowable subject matter indicated in the Office Action.

Consequently, the present invention, as claimed by independent claim 26 has elements that are neither anticipated nor in any way disclosed by the cited *Leitch* reference. Consequently, the rejection of claim 26, as amended, under 35 U.S.C. §102(b) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of claim 26, and thus of dependent claims 28, and 31-36 under 35 U.S.C. §102(b) in view of the language of claim 26. In particular, claim 26 recites the following novel language:

> "A computer-implemented process for providing dynamic temporal modification of segments of a digital audio signal, comprising using a computing device to:
>> receive one or more sequential frames of a digital audio signal;
>> decode each frame of the digital audio signal as it is received;
>> determine a content type of segments of the decoded audio signal from a group of predefined segment content types, each segment content type having an associated type-specific temporal modification process, *wherein the group of predefined segment content types includes voiced type segments and unvoiced type segments*;
>> modify a temporal scale of one or more segments of the decoded audio signal using the associated type-specific temporal modification process specific to each segment content type;
>>> *wherein modifying the temporal scale of one or more segments comprises any of temporally stretching and temporally compressing the one or more segments to approximately achieve a target temporal modification ratio*; and
>>> *wherein the target temporal modification ratio of subsequent segments is automatically adjusted to achieve an average target*

> *temporal modification ratio relative to actual temporal scale*
> *modification of at least one preceding segment.*" (emphasis added)

3.0   Rejections under 35 U.S.C. §103(a):

The Office Action rejected independent claim 8 under 35 U.S.C. §103(a) as being unpatentable over the **Leitch** reference in further view of Ananthpadmanabhan, et al. ("**Ananthpadmanabhan**," U.S. Patent 6,477,502). However, the Office Action also indicated the allowability of the subject matter of dependent claim 17 which directly depends from independent claim 8.

In response, Applicants have amended independent claim 8 to include the limitations of dependent claim 17. As such, independent claim 8 now includes the allowable subject matter indicated in the Office Action.

Therefore, independent claim 8 includes elements not taught in the proposed **Leitch - Ananthpadmanabhan** combination reference. Consequently, the rejection of independent claim 8 and of dependent claims 9-16 and 18-25 under 35 U.S.C. §103(a) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of these claims under 35 U.S.C. §103(a) in view of the novel language of claim 8. In particular, claim 8 recites the following novel language:

> "A method for temporal modification of segments of an audio signal
> including speech, comprising:
>   sequentially extracting data frames from a received audio signal;
>   determining a content type of each segment of a current frame of the
> sequentially extracted data frames, said content types including voiced
> segments, unvoiced segments, and mixed segments;
>   temporally modifying at least one segment of the current frame by
> automatically selecting and applying a corresponding temporal modification
> process for the at least one segment of the current frame from among a

voiced segment temporal modification process, an unvoiced temporal modification process, and a mixed segment temporal modification process; and
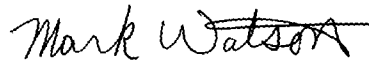
determining whether an average compression ratio of temporally modified segments corresponds to an overall target compression ratio, and wherein a next target compression ratio for at least one next current frame is automatically adjusted as needed for ensuring that the overall target compression ratio is approximately maintained." (emphasis added)

CONCLUSION

In view of the above discussion, it is respectfully submitted that claims 1-16, 18-26, 28, and 31-36 are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 1-16, 18-26, 28, and 31-36 and to pass this application to issue at the earliest opportunity. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any additional questions or concerns.

Respectfully submitted,

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